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AUTHOR Gil, David G.
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ABSTRACT

This testimony concerning physical abuse of children proposes a definition of child abuse and neglect based on the inherent equal worth of all children and a belief in their equal social, economic, civil, and political rights. Child abuse or neglect is considered the responsibility of individuals, institutions, and society as a whole with the underlying cultural cause of the rooted in widespread acceptance of physical discipline. Important trends indicate that the incidence rate of child abuse is higher among the disadvantaged segments of society; cases outside of the home tend to go unreported; and the problem is not confined to very young children. The witness argues for additions to the Child Abuse Prevention Act, including a clear definition of child abuse and neglect, a statement of children's rights, a rejection of all forms of physical force against children in the public domain, and specification of a minimal living standard for children. (DP)

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TESTIMONY OF DR. DAVID G. GIL, BRANDEIS UNIVERSITY

AT HEARINGS OF U.S. SENATE SUBCOMMITTEE ON CHILDREN AND YOUTH

ON THE "CHILD ABUSE PREVENTION ACT", S.1191 (93rd Congress, 1st session)

MARCH 26, 1973

Mr. Chairman, members of the Subcommittee; thank you for inviting me to testify before you. My name is David Gil. I am professor of social policy at Brandeis University in Waltham, Mass.

Several years ago, at the request of the Children's Bureau of the U.S. Department of Health, Education, and Welfare, I conducted a series of nationwide studies on physical abuse of children. To my knowledge, these studies are, so far, the only systematic investigation of this phenomenon on a nationwide scale. Findings of these studies and recommendations based on these findings were published in 1970 by Harvard University Press in my book "Violence Against Children".

You have asked me specifically to focus my testimony on four issues of concern to the Subcommittee, namely:

- a definition of child abuse;
- statistics of incidence;
- a summary of what is known about perpetrators and victims of child abuse; and
- my thoughts on the legislation before you;

A Definition of Child Abuse and Neglect

Child abuse may be defined in a variety of ways, depending on the purpose for which the definition will be used. Medical practitioners engaged in the diagnosis and treatment of physically abused children tend to use definitions based on physical or anatomical symptoms identifiable in their child-patients. Mental health workers who are concerned with emotional abuse in addition to physical abuse prefer to broaden their definitions of child abuse to include signs of psychological damage.

Social workers, law enforcement authorities and others whose interest extends beyond the victims of abuse to perpetrators of abusive acts focus their definitions not only around observable, physical, and psychological consequences of abuse, but also around behavioral and motivational characteristics of perpetrators. Finally, legislators and social policy specialists whose concern is the protection of all children against potentially injurious acts and conditions require comprehensive definitions which take account, not only of clinical, physical, and psychological aspects of child abuse, but also of cultural, social, economic, and political factors which presumably constitute the dynamic sources of this destructive phenomenon.

Definitions, it should be noted, involve not only factual elements, but also value premises. Therefore, before suggesting a definition of child abuse which should be useful in formulating social policies for the protection and well-being of the nation's children, I wish to explicate the value premises underlying the proposed definition. These value premises may be stated as follows: Every child, despite his individual differences and uniqueness, is to be considered of equal intrinsic worth, and hence should be entitled to equal social, economic, civil, and political rights, so that he may fully realize its inherent potential, and share equally in life, liberty, and the pursuit of happiness. Obviously, these value premises are rooted in the humanistic philosophy of our Declaration of Independence. In accordance with these value premises then, any act of commission or omission by individuals, institutions, or society as a whole, and any conditions resulting from such acts or inaction, which deprive children of equal rights and liberties, and/or interfere with their optimal development, constitute, by definition, abusive or neglectful acts or conditions.

The definition proposed herewith is specific enough to identify physical and emotional abuse and neglect resulting from acts of commission or omission on the part of parents and other individual caretakers. Yet, at the same time, this definition is broad enough to cover also a wide range of abusive and damaging acts perpetrated against children by such institutions as schools, juvenile courts and detention centers, child welfare homes and agencies, correctional facilities, etc. Finally, this definition covers also abuse and neglect tolerated or perpetrated by society collectively. Illustrations of this latter type of abuse and neglect are malnutrition and at times starvation of expectant mothers and children, inadequate medical care of mothers, children and whole families, substandard housing and other aspects of life in poverty-stricken neighborhoods, inadequate educational, recreational, and cultural provisions, and many more well-known conditions which tend to seriously inhibit normal and healthy human growth and development.

To round out this brief discussion of a definition of child abuse and neglect some comments seem indicated concerning the probable causes and dynamics of this complex syndrome. Many professionals, investigators, the communications media, and the general public tend to view child abuse as deviant behavior. In this view perpetrators of abuse are emotionally sick individuals and the abusive act is a symptom of their psychological disturbance. While it is probably true that numerous incidents of child abuse are indeed results of emotional illness on the part of the perpetrators, many other incidents occur in perfectly normal families. This should surprise no one as the use of physical force in the rearing and disciplining of children is widely accepted in our society. Common sense suggests that whenever corporal punishment is widely used, extreme cases will occur and children will be injured. Quite frequently acts aimed at merely disciplining children will, because of chance factors, turn into serious accidents. Our studies indicate that the widespread acceptance in our culture

of physical discipline of children is the underlying factor of physical child abuse in private homes, in schools and in various child care settings such as foster homes, detention homes, correctional institutions, etc. It should be noted here that abusive incidents which occur in the context of emotional illness of perpetrators are also facilitated by the general cultural acceptance of the use of physical force in child rearing. For symptoms of emotional illness are often exaggerated expressions of normal traits existing in a culture. These brief comments on the causal dynamics of child abuse suggest that the real sources of this phenomenon may be deep in the fabric of society rather than within the personalities of individual perpetrators. Hence, blaming individual perpetrators, as we tend to do, means merely to shift responsibility away from society where it really belongs. The tendency to interpret social problems through individual rather than socio-cultural dynamics is, by the way, not unique in relation to child abuse. We tend to interpret most social problems as results of individual shortcomings, and we are thus able to maintain the illusion that our social system is nearly perfect and need not undergo major changes in order to overcome its many destructive societal problems.

Incidence, Distribution, and Notes on Perpetrators and Victims

Reliable information on the real incidence of child abuse is not available because of differences of opinion as to what incidents and situations are to be classified as child abuse, and also because of the non-public nature of many cases. There is some information on the number of legally reported cases. Yet, this information is of limited value since criteria and procedures for reporting vary widely across states and localities. Moreover, reported incidents are merely an unknown fraction of real incidence.

In spite of the limited validity and reliability of officially reported figures, several observations may be made on the scope and distribution of child abuse and the characteristics of perpetrators and victims. First of all, it should be noted that there is no basis to the frequently made claim that the incidence of child abuse has increased in recent years. One simply cannot talk about an increase or decrease of a phenomenon unless one has accurate counts of different periods in time. Such counts are not available, and hence, there is no basis for comparison over time. What has increased in recent decades is the awareness of, the interest in, and the concern for this phenomenon. Awareness, interest, and concern are mutually reinforcing, and hence, we end up with an impression of change in incidence. While then, we have no evidence for or against an increase in real levels and rates of incidence, we have evidence of increases in reporting levels. This increase, however, seems due largely to improvements in the administration of reporting legislation and to growing awareness among physicians and others responsible for reporting.

Reporting levels are known only for 1967 and 1968, the years of the nationwide surveys. Nearly 6000 cases were reported in 1967 and over 6600 in 1968. For subsequent years figures are available only for certain states and localities. These figures suggest overall increases in reporting levels for selected jurisdictions.

Reported incidents involve nearly exclusively abuse of children in their own homes. There are hardly ever any reports on child abuse in schools and children's institutions although this kind of abuse is known to occur frequently all over the country. Public authorities seem simply reluctant to keep records of child abuse in the public domain. There are also no systematic records of the massive abuse and neglect of children due to inadequate medical care, inadequate education, and substandard living conditions as can be found in migrant labor camps, in

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urban and rural slums, on Indian reservations, and in many other settings. To my way of thinking, these public forms of abuse and neglect are the most serious ones in qualitative and quantitative terms, but also the least talked about, thought about, and acted upon aspects of the child abuse spectrum.

I do not want to take up your time with a recitation of statistics from the 1967 and 1968 surveys published in my book and papers. The summary of this material is included in the pamphlet made available along with my written testimony, I would like to mention, however, certain unmistakable trends suggested by these statistics. While physical abuse of children is known to occur in all strata of our society, the incidence rate seems significantly higher among deprived and discriminated against segments of the population. This difference cannot be explained away by the argument that medical and other authorities are less likely to suspect and report abusive incidents among the priviledged segments of the population. For common sense supports the repeated findings of higher incidence rates among low-income and minority groups. Compared to other groups in the population, the living conditions of these deprived population segments involve much more strain and stress and frustration in daily existence which are reflected in lower levels of self-control, and in a greater propensity, to discharge angry and hostile feelings toward children. Besides, economically deprived families tend to live under more crowded conditions. Also, the rate of one-parent families is much higher in these population segments, and parents have fewer opportunities to arrange substitute care for their children and take a rest from child care responsibilities. Finally, parents in economically deprived families have themselves had little exposure to educational opportunities and their child rearing methods are more traditional and rely more on physical means of discipline. We thus cannot escape the conclusion that incidence rates of child abuse on the part of individual parents tend to be higher in economically deprived families whose childred are also more exposed to the many forms of societal abuse

implicit in poverty. One other widespread, erroneous impression concerning incidence rates needs to be corrected. This is the notion that child abuse affects primarily very young children. Avialable nationwide figures suggest that about half the reported abuse incidents involve school-aged children, and over 75 percent of reported victims of abuse were over two years old. There is also a higher rate of incidence during adolescence, especially for girls, when parents get anxious about their daughters' dating patterns. Very young children tend, however, to be more seriously injured when abused, and fatal injuries occur nearly exclusively among the very young.

Comments on S.1191

In turning now to the specific provisions of the bill before you, we must examine whether, and to what extent, its substantive provicions match its stated objectives, namely, to prevent child abuse. In my view S.1191 includes elements which could contriuute to the treatment and reduction of certain types within the broad spectrum of child abuse. However, while such contrubitions are desirable in themselves, they seem inadequate, in terms of available knowledge, to the task of preventing all aspects of child abuse. Let me mention some of the shortcomings in the bill which should be corrected in order to strengthen it.

First of all, the language of the bill lacks a definition of child abuse and neglect. Without such a definition, it is not clear what is to be identified, treated, and prevented, nor will it be possible in the future to evaluate the effectiveness of the bill.

It would also be desirable to include in the bill a positive statement concerning the basic rights of children as persons entitled to the full protection of the U.S. Constitution and the Bill of Rights. Such a statement by the Congress could over time serve as an important lever to assure these rights, if necessary,

through action in the Federal Courts.

More specifically, it seems to me the Congress ought to outlaw through this bill all forms of physical force used against children in the public domain, in schools, and in child care facilities, under the guise of disciplining them. This form of discipline undermines the human dignity of children. It is nothing but an ancient, cruel ritual which never serves the real educational and developmental needs of children, but merely provides ventilation for the frustrations of adults. Being exposed to corporal punishment teaches children that might is right. It results in resentment and fear of their attackers. At best it achieves short-range, externally enforced, discipline based on fear, but not steady, long-term, internalized discipline based on positive identification with caring adults. We know that learning requires positive human relations which are apt to be destroyed by corporal punishment or the ever-present threat of it. It may be of interest to note that Massachusetts, where I live, is one of three states in the nation which outlawed corporal punishment in its schools and public institutions. Yet, our children and schools in Massachusetts are certainly not worse in academic achievement and overall discipline than the schools and children of other states.

One important by-product of outlawing the use of physical force in schools and institutions would be an unambiguous signal to all parents and educators that it is the sense of Congress that educators and parents should use more constructive measures to bring up and discipline children than inflicting physical pain and indignities upon them. Such a message from the Congress could initiate a rethinking of the entire child rearing context in the country. Without such rethinking and without an eventual redefinition of the status and the rights of children, child abuse can simply not be prevented.

The bill before you should also spell out what you consider a minimum living standard which the public must assure to all children in order to avoid socially

sanctioned abuse and neglect. From my prespective, and in accordance with the philosophy of the Declaration of Independence, these minimum standards ought to be complete equality of rights for all children which can be achieved through systematic redistribution of our national wealth and income and of political power. You may not be ready to opt for equality right away, but in any case you should specify in the bill a level of decency and adequacy of living standards below which a child would be considered abused and neglected, and hence, entitled to protection. Perhaps you could set 1976, the two-hundredth anniversary of our nation, as the target date for total equality.

I would like to end with a few specific comments and questions on the Bill. I assume the National Center on Child Abuse and Neglect is to be an integral unit of the existing Office of Child Development. In my view this is preferable to establishing a seperate office within HEW, since the prevention of child abuse and neglect are to be viewed as integral aspects of promoting the development and well-being of all children, which, I suppose, is the function of the Office of Child Development.

I do not understand the term "accident" in Section 2 (6)(1). Is the intent to list all accidents of any kind involving children under age 18, or merely accidents suspected to involve abusive or neglectful acts? What is the purpose of listing these accidents? Is the intent to develop a nation-wide registry which could serve a variety of objectives, including research and the identification of suspected perpetrators and repeaters? It seems the vagueness of this provision requires clarification.

I hesitate to raise questions concerning the proposed demonstration programs and the $90 million to be authorized for it over the next five years. I am concerned that we may create one more illusion that child abuse can be prevented through ameliorative, clinical services. We have in the past developed many

programs which were addressing the symptoms rather than the roots of social problems. I have an uncomfortable sense that the demonstration programs under this bill may fall into this category, and that at the end of five years, after spending $90 million, and after creating and supporting numerous service programs, nothing really significant will have happened. We must be willing to face the hard reality that preventing child abuse and neglect is possible only when we are ready to attack its sources in the fabric of our society and culture, rather than merely provide social and medical services to its victims.

I would suggest that the mandate of the proposed National Commission be broadened. In addttion to studying administrative aspects of child abuse reporting, the Commission should investigate the underlying dynamics of child abuse and neglect in our society and should develop policy recommendations aimed at eliminating the sources of this ghastly phenomenon. I would also recommend that the Secretary and the Director of the Office of Child Development not be ex-officio members of the Commission in order to preclude influences by officials responsible for the administration of existing policies and programs, the effectiveness of which may have to be questioned by the Commission. The Secretary and Director will have ample opportunity to comment on the findings and recommendations of the National Commission once it makes its report ot the President and the Congress.

In concluding my testimony I would like to stress that my critical comments should not be interpreted as opposition to the enactment of a bill on preventing child abuse and neglect. Such a bill is certainly essential. The purpose of my critique is merely to suggest possible approaches to assure that the bill, when enacted, will accomplish the objectives implicit in its title, to prevent the abuse of our nation's children.

Mr. Chairman, members of the Subcommittee, thank you again for the opportunity to present to you my views on the protection of this nation's most important resource - our children.